

DEC 06 2005

1 **IN THE UNITED STATES BANKRUPTCY COURT**
2 **FOR THE DISTRICT OF ARIZONA**

U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

3 In re:
4 GEORGE A. SINGH, JR.,
5 Debtor.
6) Chapter 7
)
) No. 4-05-bk-02601-JMM
)
) **ORDER**
)
) (Opinion to Post)

7
8 The Debtor has filed a motion to avoid lien of Wachovia Bank (Docket #16). The Debtor's
9 Motion was served at the domestic addresses of Wachovia Bank,, but not on the statutory agent. Nor is
10 the court persuaded that the party upon whom the motion was served actually received it, or was
11 authorized to receive service for the corporation.

12 FED. R.CIV. P. 4(h) provides that:

13 Unless otherwise provided by federal law, service upon a domestic or
14 foreign corporation or upon a partnership or other unincorporated
15 association that is subject to suit under a common name, and from which
16 a waiver of service has not been obtained and filed, shall be effected:

17 (1) in a judicial district of the United States in the manner prescribed for
18 individuals by subdivision (e)(1), or by delivering a copy of the summons
19 and of the complaint to an officer, a managing or general agent, or to any
20 other agent authorized by appointment or by law to receive service of
21 process and, if the agent is one authorized by statute to receive service and
22 the statute so requires, by also mailing a copy to the defendant

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1 The court finds that the motion to avoid lien of Wachovia Bank was not served in accordance with
2 FED. R.CIV P.. 4(h)(1). Accordingly,

IT IS ORDERED that the motion to avoid lien of Wachovia Bank is DENIED without prejudice.

5 DATED: December 6, 2005.

JAMES M. MARLAR
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY JUDGE

9 COPIES served as indicated below this day of December, 2005, upon:

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24 | By mBThompson
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